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# OHIO LEGISLATIVE SERVICE COMMISSION

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## Synopsis of Conference Committee Amendments

### S.B. 310 of the 133<sup>rd</sup> General Assembly

Jim Kelly, Director, Office of Research and Drafting

The Conference Committee on S.B. 310 recommends the bill as passed by the Senate with the following changes:

Senate Version	House Version	Conference Committee Recommendation
<b>Federal CARES Act funds distribution (AM_133_4010)</b>		
Appropriates \$350 million of funding allocated to the state from the federal "Coronavirus Aid, Relief, and Economic Security Act" (CARES Act) to counties, municipalities, and townships to fund their necessary COVID-19 pandemic-related expenses.	Same as Senate.	No provision. (The appropriation and related requirements became law in H.B. 481, effective 6/19/2020.)
Distributes funds based on the proportion of Local Government Fund revenue allocated to subdivisions in 2019.	Same as Senate.	No provision. (The appropriation and related requirements became law in H.B. 481, effective 6/19/2020.)
No provision.	No provision.	Authorizes the Controlling Board, on request of the OBM Director, to extend certain deadlines related to the expenditure of

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		<p>CARES Act funds by counties, townships, and municipalities, and to returning unspent funds to the state treasury.</p>
<p><b>Coronavirus Relief Fund appropriations (AM_133_3925)</b></p>		
<p>No provision.</p>	<p>No provision.</p>	<p>Appropriates any unexpended or unencumbered cash in the Coronavirus Relief Fund (Fund 5CV1) for FY 2021 to Fund 5CV1 appropriation item 042621, COVID Response Multiple Agencies, for expenses incurred on or after March 1, 2020, in response to the coronavirus pandemic. Specifically includes cash that had been previously appropriated or distributed, but then returned to the fund. Excludes cash received into Fund 5CV1 as a result of an act of Congress after November 1, 2020.</p> <p>Requires the OBM Director to obtain Controlling Board approval prior to spending these appropriations. Permits the Director to transfer these appropriations to new or existing appropriation items in Fund 5CV1, with approval of the Controlling Board.</p>
<p><b>Capital Appropriations, et al. (AM_133_3934-1 and AM_133-4107-1)</b></p>		
<p>No provision.</p>	<p>No provision.</p>	<p>Appropriates \$2,129,358,799 in capital funds for the biennium ending June 30, 2022.</p> <p>Permits the City of Hilliard to use money distributed from the Parks and Recreation</p>

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		<p>Improvement Fund (Fund 7035) for the Greener Property Recreational Facility under H.B. 529 of the 132<sup>nd</sup> General Assembly to alternatively use the money for the Father Rodric J. DiPietro Park Improvements Project.</p> <p>Amends H.B. 481 of the 133<sup>rd</sup> General Assembly to modify the projects funded by the reappropriations in that act for appropriation item C58001, Community Assistance Projects.</p> <p>Permits the Attorney General to enter into lease-purchase agreements to finance the Attorney General New Collection System. Requires the Director of Budget and Management to issue obligations with proceeds up to \$26 million, at the request of the Attorney General, to finance the system.</p> <p>Corrects Section 223.15 of H.B. 481 of the 133<sup>rd</sup> General Assembly to include an earmark of the reappropriations for Natural Resources capital appropriation item C725E2, for \$50,000 for Kelley Nature Preserve Boat Ramp, and to remove an earmark of the reappropriations for Mental Health and Addiction Services capital appropriation item C58001, Community Assistance Projects, for \$50,000 for Child Focus Opiate Addiction Supervised Visitation Facility at Batavia, in order to reflect the earmarks in H.B. 529 of</p>

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		<p>the 132<sup>nd</sup> General Assembly, as amended by S.B. 299 of the 132<sup>nd</sup> General Assembly.</p> <p>Moves six capital appropriations in the Department of Public Safety for MARCS towers from the Administrative Building Fund (Fund 7026) to the Administrative Building Taxable Bond Fund (Fund 7016).</p> <p>Moves the capital appropriation for the Comprehensive Outpatient Program Expansion (COPE) from Mental Health and Addiction Services to Sinclair Community College.</p>
<b>Department of Medicaid – enhanced federal percentage (AM_133_3924)</b>		
No provision.	No provision.	<p>Increases Medicaid appropriations by a total of \$3.52 billion in FY 2021, due to the enhanced federal medical assistance percentage enacted as a result of the COVID-19 pandemic, which breaks down by each impacted line item as follows:</p> <ol style="list-style-type: none"> <li>1. Increases GRF line item 651525, Medicaid Health Care Services, by \$1.04 billion (about \$566.4 million decrease in state share; \$1.60 billion increase in federal share);</li> <li>2. Increases Federal Fund 3F00 line item 651623, Medicaid Services – Federal, by \$2.60 billion;</li> </ol>

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		<p>3. Increases Dedicated Purpose Fund 5TNO line item 651684, Medicaid Services – HIC Fee, by \$200.0 million;</p> <p>4. Decreases GRF line item 651526, Medicare Part D, by \$136.9 million; and</p> <p>5. Decreases Dedicated Purpose Fund 5DL0 line item 651639, Medicaid Services – Recoveries, by \$180.0 million.</p>
<b>Department of Medicaid – hospital upper payment limit (AM_133_3995)</b>		
No provision.	No provision.	<p>Increases Medicaid appropriations by a total of \$700 million in FY 2021, which breaks down by each impacted line item as follows:</p> <p>1. Increases line item 651656, Medicaid Services – Hospital Upper Payment Limit, by \$175.0 million; and</p> <p>2. Increases line item 651623, Medicaid Services – Federal, by \$525.0 million.</p>
<b>Department of Developmental Disabilities (AM_133_3996)</b>		
No provision.	No provision.	Appropriates \$80.0 million in FY 2021 in Federal Fund 3A40 appropriation item 653654, Medicaid Services.

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<b>Physician assistants and advanced practice registered nurses (AM_133_4123)</b>		
No provision.	No provision.	<p>Until May 1, 2021, authorizes the following with respect to physician assistants, certified nurse-midwives, clinical nurse specialists, and certified nurse practitioners who are employed by or under contract with a hospital or other health care facility:</p> <ol style="list-style-type: none"> <li>1. A physician assistant may practice under the direction, control, and supervision of a physician or podiatrist without a supervision agreement with the physician or podiatrist;</li> <li>2. A certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner may practice with a physician or podiatrist without a standard care arrangement with that physician or podiatrist, as long as the physician or podiatrist is continuously available to communicate with the nurse either in person or electronically.</li> <li>3. A physician assistant or advanced practice registered nurse may perform services if authorized by the hospital or other health care facility.</li> </ol>

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<b>EMTs administer COVID-19 tests (AM_133_4123)</b>		
No provision.	No provision.	Until May 1, 2021, authorizes an emergency medical technician (at the basic, intermediate, or paramedic level) who has been properly trained to administer a test for COVID-19 and to collect and label test specimens.
<b>Respiratory therapist direction of LPNs (AM_133_4123)</b>		
No provision.	No provision.	Until May 1, 2021, authorizes a respiratory care professional to direct the practice of a licensed practical nurse.
<b>Retired or inactive health care professionals (AM_133_4123)</b>		
No provision.	No provision.	<p>Until May 1, 2021, authorizes a nurse, pharmacist, physician assistant, physician, podiatrist, respiratory therapist, or emergency medical technician whose license is expired or inactive, including because of retirement, to practice without having to reinstate or restore the license.</p> <p>Excludes from this authority a professional whose license was previously suspended or revoked or was surrendered to avoid disciplinary action.</p> <p>Deems the professional as practicing under a temporary license.</p>

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<b>Student wellness and success funding (AM_133_4011)</b>		
No provision.	No provision.	Requires the Department of Education, after all student wellness and success payments for FY 2021 have been made to districts and schools, to distribute any amounts remaining in appropriation item 200604, Student Wellness and Success, through a methodology determined by the Department in consultation with the Office of Budget and Management.
<b>School financing studies (AM_133_4143-1)</b>		
No provision.	No provision.	<p>Requires the Department of Education to complete, by December 31, 2022, studies of special education, gifted services, incentives for rural districts serving gifted children, educational service centers, English learners, the cost to educate e-school students, and the cost of operating community schools.</p> <p>Requires the Office of Budget and Management to create, by December 31, 2022, an inventory of all state budget line items that, in its determination, provide funding for services to children.</p> <p>Establishes a joint legislative task force consisting of six members, three each appointed by the Speaker of the House and the Senate President, to study transportation</p>



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		<p>of community school and nonpublic school students and to determine methods to create greater efficiency and minimize costs in transporting them. Requires the task force to report its findings and a recommendation for a funding formula for transportation of those students by December 31, 2022.</p> <p>Appropriates \$3.0 million in FY 2021 from State Lottery Fund Group Fund 7017 appropriation item 200611, Education Studies, to support the education studies.</p>
<b>Ed Choice priority application window (AM_133_3774-2)</b>		
No provision.	No provision.	<p>Opens the priority application period for performance-based Ed Choice scholarships sought for the 2021-2022 school year on March 2, 2021, rather than February 1 under law effective prior to enactment of S.B. 89 of the 133<sup>rd</sup> General Assembly. (S.B. 89 enacted a similar provision opening the application period on March 1, 2021, but did not include an emergency clause.)</p>
<b>Student activity program spending (AM_133_3765)</b>		
No provision.	No provision.	<p>Specifies that, for the 2019-2020 and 2020-2021 school years, the limit on school district expenditures for operation of student activity programs, established under current law, does not apply.</p>

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<b>Kinship Support Program (AM_133_3929-1)</b>		
No provision.	No provision.	Establishes the Kinship Support Program to provide financial payments to kinship caregivers who (1) have received placement of a child, and (2) do not have foster home certification. Specifies that payments are \$10.20 per child, per day, with an annual cost-of-living adjustment, and must be made within specified time limits.
<b>Department of Natural Resources – erosion assistance (AM_133_4046-1)</b>		
No provision.	No provision.	<p>Appropriates \$5.0 million for the FY 2021-FY 2022 capital biennium under Parks and Recreation Improvement Fund (Fund 7035) capital appropriation item C725U8, Erosion Emergency Assistance.</p> <p>Requires the DNR Director to use the appropriation to provide grants to local subdivisions for erosion projects that ensure the immediate preservation of the health, safety, and welfare of the citizens of the local subdivisions requesting assistance. Requires the Director to prioritize grants addressing erosion along the Lake Erie shoreline.</p> <p>Authorizes the Treasurer of State to issue and sell up to \$5.0 million in original obligations to support the costs.</p>

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<b>Maritime Assistance Program (AM_133_4007)</b>		
No provision.	No provision.	<p>Expands which port authorities may apply for Ohio Maritime Assistance grants by specifying that a port authority with jurisdiction within (rather than only located within) certain federally qualified opportunity zones may apply.</p> <p>Eliminates the requirement that the Director of Transportation adopt rules to govern the Maritime Assistance Program.</p>
<b>Fireworks license moratorium (AM_133_4003)</b>		
No provision.	No provision.	<p>Extends by one year – through December 31, 2021 – the moratorium on issuance of new, and geographic transfer of existing, fireworks manufacturer and wholesaler licenses.</p>
<b>Holocaust and Genocide Memorial and Education Commission (AM_133_3973)</b>		
No provision.	No provision.	<p>Creates the Holocaust and Genocide Memorial and Education Commission and establishes its duties, such as gathering and disseminating Holocaust and genocide information throughout Ohio.</p> <p>Creates the Holocaust and Genocide Memorial and Education Office to serve the Commission and establishes the Office’s duties, such as, advising the Commission on</p>

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		statewide programs and new opportunities to further Holocaust and genocide memorial and education, applying for and accepting grants and gifts, and monitoring the use of grants or gifts.
<b>Cuyahoga County lodging tax proceeds (AM_133_3980)</b>		
No provision.	No provision.	Expands the purposes for which a special Cuyahoga County lodging tax may be used. (Continuing law authorizes Cuyahoga County to impose up to a 2% lodging tax to fund capital or operating costs of a convention center.) Allows Cuyahoga County and the Mayor of Cleveland to amend their agreement, without the approval of county mayors, to authorize use of those proceeds to pay for promoting or supporting tourism or tourism-related programs.
<b>CAT exemption for forgiven CARES Act loans</b>		
No provision.	Exempts paycheck protection loan amounts forgiven under the CARES Act from the commercial activity tax.	Same as Senate. (The exemption became law in H.B. 481, effective 6/19/2020.)

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<b>Local CARES Act – funded small business grant programs</b>		
No provision.	Authorizes counties, municipalities, and townships to use funds distributed under the bill and CARES Act funds received directly from the federal government to award grants of up to \$10,000 to Ohio-based small businesses.	Same as Senate. (The authority has not been enacted in other legislation.)
<b>Capital reappropriations</b>		
No provision.	Makes capital reappropriations for the biennium ending June 30, 2022 (that is, for FYs 2021 and 2022).	Same as Senate. (The reappropriations became law in H.B. 481, effective 6/19/2020.)
<b>State exempt employee pay freeze</b>		
No provision	Allows the OBM Director to request the DAS Director to order a freeze on certain state employee salary increases and pay supplements during the pay periods that include July 1, 2020, through June 30, 2021.	Same as Senate. (The authority became law in H.B. 481, effective 6/19/2020.)
<b>Medicaid rates for nursing facilities</b>		
No provision.	Eliminates the market basket index and budget reduction adjustment factor in determining a nursing facility's per Medicaid day payment rates.	Same as Senate. (The changes became law in H.B. 481, effective 6/19/2020.)

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No provision.	Specifies that FY 2021 is the last year nursing facilities will receive a quality incentive payment and revises the payment's calculation for FY 2021.	Same as Senate. (The changes became law in H.B. 481, effective 6/19/2020.)
No provision.	Increases appropriation item, Medicaid Health Care Services, by \$3.2 million (\$1.2 million state share) in FY 2021.	Same as Senate. (The appropriation became law in H.B. 481, effective 6/19/2020.)
<b>Transportation improvement districts and prevailing wage</b>		
No provision.	Requires a transportation improvement district to comply with the state Prevailing Wage Law, unless the amount of state and local funds the district receives on the contract or project is less than statutory thresholds.	Same as Senate. (The requirement became law in S.B. 4, effective 10/13/2020.)
<b>Local government cost savings days</b>		
No provision.	Authorizes a county, township, or municipal corporation to establish a mandatory cost savings program for its exempt employees because of a fiscal emergency or lack of work due to COVID-19, which may include a loss of pay or loss of holiday pay.	Same as Senate. (The authority became law in H.B. 481, effective 6/19/2020.)
No provision.	Requires each exempt employee to participate in the cost savings program for up to 480 hours, as determined by the appointing authority, in state FY 2021.	Same as Senate. (The requirement became law with a reduced maximum of 160 hours, in H.B. 481, effective 6/19/2020.)

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<b>Local government competitive bidding</b>		
No provision.	Exempts certain county, township, and municipal purchases from competitive bidding requirements when necessary to respond to the COVID-19 emergency.	Same as Senate. (Narrower authority, exempting local governments from competitive bidding to purchase personal protective equipment, was enacted in H.B 481, effective 6/19/2020.)
<b>TIF payments</b>		
	Authorizes municipalities and townships to temporarily divert payments in lieu of taxes they received from a tax increment financing (TIF) project to fund any public safety and road and bridge maintenance expenses that are not eligible to be funded with federal CARES Act funding, i.e., expenses not directly related to the COVID-19 pandemic. Requires subdivisions to reimburse those diverted TIF funds before the TIF expires, but only to the extent the subdivision receives federal funds that may be used to pay such expenses	Same as Senate. (The authority became law in S.B. 4, effective 10/13/2020.)
<b>Severability clause</b>		
No provision.	Stipulates that the items of law contained in the bill, and their applications, are severable, and that if any item is held invalid, the invalidity does not affect the bill's other items.	Same as House.

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<b>Emergency clause</b>		
Declares an emergency.	Same as Senate.	Same as Senate (emergency clause wording revised).